

SB2967



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB2967

Introduced 2/18/2016, by Sen. Daniel Biss

SYNOPSIS AS INTRODUCED:

30 ILCS 500/45-35

Amends the Procurement Code. Provides that supplies and services shall (rather than may) be procured without advertising or calling for bids from any qualified not-for-profit agency for persons with significant (rather than severe) disabilities that meet certain requirements. Provides that to participate, the not-for-profit agency must offer the individuals they serve employment opportunities in competitive, integrated settings. Includes the Director of Healthcare and Family Services or his or her designee, the Director of Commerce and Economic Opportunity or his or her designee, and 2 members who have a disability to the committee overseeing the preference program. Provides that the Committee consider certain factors when considering bids.

LRB099 18182 MLM 42550 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning finance.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Procurement Code is amended by
5 changing Section 45-35 as follows:

6 (30 ILCS 500/45-35)

7 Sec. 45-35. Facilities for persons with severe
8 disabilities. The purpose of this Section is to further the
9 state's Employment First policy by maximizing its investment in
10 job opportunities that afford individuals with disabilities
11 competitive wages in integrated settings and allow those
12 individuals to achieve maximum independence through employment
13 and, in addition, allow state agencies, departments, and
14 institutions a mechanism to embrace the principles of
15 Employment First.

16 (a) Qualification. Supplies and services shall ~~may~~ be
17 procured without advertising or calling for bids from any
18 qualified not-for-profit agency for persons with significant
19 ~~severe~~ disabilities that:

20 (1) complies with Illinois laws governing private
21 not-for-profit organizations;

22 (2) is certified as a sheltered workshop by the Wage
23 and Hour Division of the United States Department of Labor

1 or is an accredited vocational program that provides
2 transition services to youth between the ages of 14 1/2 and
3 22 in accordance with individualized education plans under
4 Section 14-8.03 of the School Code and that provides
5 residential services at a child care institution, as
6 defined under Section 2.06 of the Child Care Act of 1969,
7 or at a group home, as defined under Section 2.16 of the
8 Child Care Act of 1969; ~~and~~

9 (3) meets the applicable Illinois Department of Human
10 Services just standards; and -

11 (4) pays at least minimum wage or better in a
12 community-integrated environment.

13 (b) Participation. To participate, the not-for-profit
14 agency must have indicated an interest in providing the
15 supplies and services, must meet the specifications and needs
16 of the using agency, must conform with the Principles of
17 Employment First, offer the individuals they serve employment
18 opportunities in competitive, integrated settings, and must
19 set a fair market price.

20 (c) Committee. There is created within the Department of
21 Central Management Services a committee to facilitate the
22 purchase of products and services from not-for-profit agencies
23 that provide competitive, community-integrated employment
24 opportunities to persons with physical disabilities,
25 intellectual, or developmental disabilities, mental illnesses,
26 or any combination thereof ~~of persons so severely disabled by a~~

1 ~~physical, developmental, or mental disability or a combination~~
2 ~~of any of those disabilities that they cannot engage in normal~~
3 ~~competitive employment.~~ This committee is called the State Use
4 Committee. The committee shall consist of the Director of the
5 Department of Central Management Services or his or her
6 designee, the Director of the Department of Human Services or
7 his or her designee, the Director of Healthcare and Family
8 Services or his or her designee, the Director of Commerce and
9 Economic Opportunity or his or her designee, one public member
10 representing private business who is knowledgeable of the
11 employment needs and concerns of persons with developmental
12 disabilities, one public member representing private business
13 who is knowledgeable of the needs and concerns of
14 rehabilitation facilities, one public member who is
15 knowledgeable of the employment needs and concerns of persons
16 with developmental disabilities, one public member who is
17 knowledgeable of the needs and concerns of rehabilitation
18 facilities, 2 members who have a disability, and 2 public
19 members from a statewide association that represents
20 community-based rehabilitation facilities, all appointed by
21 the Governor. The public members shall serve 2 year terms,
22 commencing upon appointment and every 2 years thereafter. A
23 public member may be reappointed, and vacancies shall be filled
24 by appointment for the completion of the term. In the event
25 there is a vacancy on the Committee, the Governor must make an
26 appointment to fill that vacancy within 30 calendar days after

1 the notice of vacancy. The members shall serve without
2 compensation but shall be reimbursed for expenses at a rate
3 equal to that of State employees on a per diem basis by the
4 Department of Central Management Services. All members shall be
5 entitled to vote on issues before the committee.

6 The committee shall have the following powers and duties:

7 (1) To request from any State agency information as to
8 product specification and service requirements in order to
9 carry out its purpose.

10 (2) To meet quarterly or more often as necessary to
11 carry out its purposes.

12 (3) To request a quarterly report from each
13 participating qualified not-for-profit agency for persons
14 with severe disabilities describing the volume of sales for
15 each product or service sold under this Section.

16 (4) To prepare a report for the Governor and General
17 Assembly no later than December 31 of each year. The
18 requirement for reporting to the General Assembly shall be
19 satisfied by following the procedures set forth in Section
20 3.1 of the General Assembly Organization Act.

21 (5) To prepare a publication that lists all supplies
22 and services currently available from any qualified
23 not-for-profit agency for persons with severe
24 disabilities. This list and any revisions shall be
25 distributed to all purchasing agencies.

26 (6) To encourage diversity in supplies and services

1 provided by qualified not-for-profit agencies for persons
2 with severe disabilities and discourage unnecessary
3 duplication or competition among facilities.

4 (7) To develop guidelines to be followed by qualifying
5 agencies for participation under the provisions of this
6 Section. The guidelines shall be developed within 6 months
7 after the effective date of this Code and made available on
8 a nondiscriminatory basis to all qualifying agencies.

9 (8) To review all bids submitted under the provisions
10 of this Section and reject any bid for any purchase that is
11 determined to be substantially more than the purchase would
12 have cost had it been competitively bid. The Committee's
13 consideration may include, but is not limited to:

14 (A) Amounts private businesses would pay for
15 similar products or services.

16 (B) Amounts the federal government would pay
17 contractors for similar products or services.

18 (C) Amount paid by the State for similar products
19 or services.

20 (D) Actual cost of manufacturing the product or
21 performing a service at a community rehabilitation
22 program offering employment services on or off
23 premises to persons with disabilities or mental
24 illnesses, with adequate consideration given to legal
25 and moral imperatives to pay workers with disabilities
26 equitable wages.

1 (E) Usual, customary, and reasonable costs of
2 manufacturing, marketing, and distribution.

3 (9) To develop a 5-year plan for increasing the number
4 of products and services purchased from qualified
5 not-for-profit agencies for persons with disabilities or
6 mental illnesses ~~severe disabilities~~, including the
7 feasibility of developing mandatory set-aside contracts.
8 This 5-year plan must be developed no later than 180
9 calendar days after the effective date of this amendatory
10 Act of the 96th General Assembly.

11 (c-5) Conditions for Use. Each chief procurement officer
12 shall, in consultation with the State Use Committee, determine
13 which articles, materials, services, food stuffs, and supplies
14 that are produced, manufactured, or provided by persons with
15 severe disabilities in qualified not-for-profit agencies shall
16 be given preference by purchasing agencies procuring those
17 items.

18 (d) Former committee. The committee created under
19 subsection (c) shall replace the committee created under
20 Section 7-2 of the Illinois Purchasing Act, which shall
21 continue to operate until the appointments under subsection (c)
22 are made.

23 (Source: P.A. 97-895, eff. 8-3-12; 98-1076, eff. 1-1-15.)